

08-12-05 11:18am From-BST&Z San Jose

408 947 8280

T-833 P.002 F-338

Docket No.: 2982P006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

DEREK L. COLLISON, ET AL.

Application No.: 09/502,873

Filing Date: February 11, 2000

For: CERTIFIED MESSAGE DELIVERY AND  
QUEUING IN MULTIPONT  
PUBLISH/SUBSCRIBE  
COMMUNICATIONS

2005 APR 15 PM 00:00

US PATENT & TRADEMARK  
OFFICE

Art Group: 2126

Examiner: Ho, Andy

Mail Stop 16  
Director of the US Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR REFUND  
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)

I. REFUND REQUEST

This is a request for refund, with respect to the above-identified

application.  
 patent

*(check the following, if desired, and supply copy of statement)*

A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

2982P006

Page 1 of 3

**II. FEES CHARGED FOR WHICH REFUND REQUESTED**

	<b>AMOUNT OF REFUND REQUESTED</b>
<input type="checkbox"/> Filing fee	
<input type="checkbox"/> Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 C.F.R. 1.16(e))	
<input type="checkbox"/> Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 C.F.R. 1.16(e))	
<input checked="" type="checkbox"/> Extension of term	
<input type="checkbox"/> first month	
<input type="checkbox"/> second month	
<input checked="" type="checkbox"/> third month	1,020.00
<input type="checkbox"/> fourth month	
<input type="checkbox"/> fifth month	
<input type="checkbox"/> Excess claims	
<input type="checkbox"/> Issue fee	
<input type="checkbox"/> Petition fee	
<input type="checkbox"/> Patent maintenance fee	
<input type="checkbox"/> first maintenance fee	
<input type="checkbox"/> second maintenance fee	
<input type="checkbox"/> third maintenance fee	
<input type="checkbox"/> Patent maintenance fee surcharge	
<input checked="" type="checkbox"/> Other	
<b>TOTAL REFUND REQUESTED</b>	<b><u>1,020.00</u></b>

**III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR**

With respect to the response to Final Office Action filed on July 11, 2005, a three-month extension was requested. However, applicants submit that the response was filed within the two-month extension deadline.

Applicants submitted a check in the amount of \$1810.00, which includes the three-month extension fee of \$1020.00. Applicants should have submitted a check in the amount of \$1240.00, including the two-month extension fee of \$450.00. Applicants request a refund for the difference in fees, a total refund of \$570.00.

Copies attached:

Cancelled check No. 4297; Fee Transmittal and the Petition for Extension of Time submitted on 7/11/2005

08-12-05 11:18am From-BST&Z San Jose

408 947 8280

T-833 P.004/007 F-338

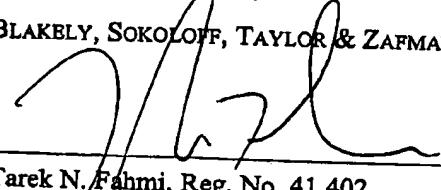
#### IV. MANNER OF REFUND

Please make refund by

crediting Account No. 02-2666  
 refunding payment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

  
Tarek N. Fahmi, Reg. No. 41,402

Date: August 12, 2005

12400 Wilshire Boulevard, 7th Floor  
Los Angeles, CA 90025  
Telephone: (408) 947-8200

**CERTIFICATE OF MAILING/TRANSMISSION**  
I hereby certify that this correspondence is being transmitted via  
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Trademark Office.

  
Sandra D. Espinoza 08/12/05  
Date

2982P006

Page 3 of 3

08-12-05 11:18am From-BST&Z San Jose

408 947 8280

T-833 P.005/007 F-338

**BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP**  
A PARTNERSHIP INCLUDING LAW CORPORATIONS  
60 SOUTH MARKET STREET, SUITE 510  
SAN JOSE, CA 95119-2392  
(408) 847-8200

**WELLS FARGO BANK**

4297

004297

• PAY

ONE THOUSAND EIGHT HUNDRED TEN & NO/100

**DOLLARS &**

**1,810.00**

TO  
THE  
ORDER  
OF:

Director of the United States  
Patent & Trademark Office

THE BIRDS OF THE SOLOMON ISLANDS

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0000 18 1000,

THE SECURITY FEATURES ON THIS DOCUMENT INCLUDE A MICRO-PRINT SIGNATURE LINE, FLEO THRU NUMMERING, A TRUE WATERMARK AND VISIBLE FIBERS.

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302 -

FOR CREDIT TO THE  
U. S. TREASURY

• FEDERAL RESERVE BOARD OF GOVERNMENT REGISTRATION  
07/21/85 LA,CA  
122105278 38  
122105278 38  
750101788  
0524007495

## FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.  
**TOTAL AMOUNT OF PAYMENT** (\$ 1,810.00)

Complete If Known	
Application Number.	09/502,873
Filing Date	February 11, 2000
First Named Inventor	Derek L. Collison
Examiner Name	Ho, Andy
Art Unit	2126
Attorney Docket No.	2982P006

### METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP  
 For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  
 Charge fee(s) indicated below.  Charge fee(s) indicated below, except for the filing fee  
 Charge any additional fee(s) or underpayment of fee(s)  Credit any overpayments  
 under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

### FEE CALCULATION

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee Description	
1051	130	2051 65 Surcharge - late filing fee or oath	
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	
2053	130	2053 130 Non-English specification	
1251	120	2251 60 Extension for reply within first month	
1252	450	2252 225 Extension for reply within second month	
1253	1,020	2253 510 Extension for reply within third month	
1254	1,590	2254 785 Extension for reply within fourth month	
1255	2,160	2255 1,080 Extension for reply within fifth month	
1401	500	2401 250 Notice of Appeal	
1402	500	2402 250 Filing a brief in support of an appeal	
1403	1,000	2403 500 Request for oral hearing	
1451	1,510	2451 1,510 Petition to institute a public use proceeding	
1460	130	2460 130 Petitions to the Commissioner	
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	
1806	180	1806 180 Submission of Information Disclosure Stmt	
1809	790	1809 395 Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810 395 For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify) <u>1801 Request for Continuation Examination</u>			
SUBTOTAL (2) (\$)			1,810.00

### SUBMITTED BY

Name (Print/Type)	<u>Nathan P. Elder</u>	Registration No. (Attorney/Agent)	55,150	Telephone	(408) 947-8200
Signature	<u>Nathan P. Elder</u>			Date	7.11.05

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (ws) 12/15/2004.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Docket No.: 2982P006

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Art Group: 2126

Examiner: Ho, Andy

PETITION FOR EXTENSION OF TIME PURSUANT TO 37 C.F.R. § 1.136(a)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

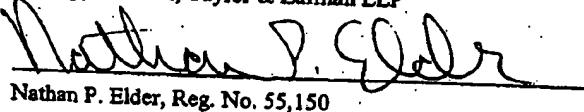
Sir:

In accordance with 37 C.F.R. § 1.136(a), Applicants for the above-identified application respectfully Petition the Commissioner for a three (3) month extension of time, extending the period for response to August 09, 2005, from the Final Office Action dated February 09, 2005. The petition filing fee of \$1,020.00 and a Response to Final Office Action are attached.

If it should be determined that a longer extension of time is required to prevent this application from being abandoned, please charge any additional fees to Deposit Account No. 02-2666. A copy of the Fee Transmittal is enclosed for deposit account charging purposes.

Respectfully submitted,

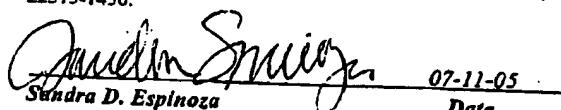
Blakely, Sokoloff, Taylor & Zafman LLP

  
Nathan P. Elder, Reg. No. 55,150

Date: July 11, 2005

12400 Wilshire Boulevard, 7th Floor  
Los Angeles, CA 90025  
Telephone: (408) 947-8200

CERTIFICATE OF MAILING/TRANSMISSION  
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Sandra D. Espinoza 07-11-05  
Date

## BLAKELY SOKOLOFF TAYLOR &amp; ZAFMAN LLP

TELEPHONE: (408) 947-8200

INTELLECTUAL PROPERTY LAW  
12400 WILSHIRE BOULEVARD, 7TH FLOOR  
LOS ANGELES, CA 90025

FACSIMILE: (408) 947-8280

US PATENT & TRADEMARK  
OFFICE

## FACSIMILE COVER SHEET

Deliver to: Latrice Sims, USPTOArt Group: 2126Facsimile No.: 571-273-6500Date: August 12, 2005From: Tarek N. Fahmi, Reg. No. 41,402Our Docket No.: 2982P006Number of pages 7 including this sheet.Application No.: 09/502,873Filing Date: 2/11/2000

Enclosed are the following documents:

<input type="checkbox"/> Amendment: <u>After Final</u> ( <u>  </u> pgs)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Appeal Brief ( <u>  </u> pgs)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application: ( <u>  </u> pgs) w/cover & abstract)	<input type="checkbox"/> Petition for: _____
<input type="checkbox"/> Assignment & Cover Sheet ( <u>  </u> pgs)	<input type="checkbox"/> Request for Continued Examination (RCE)
<input checked="" type="checkbox"/> Certificate of <u>Facsimile</u>	<input type="checkbox"/> Reply Brief ( <u>  </u> pgs)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)
<input type="checkbox"/> Declaration & POA ( <u>  </u> pgs)	<input type="checkbox"/> Request to Rescind Previous Nonpublication Request
<input type="checkbox"/> Drawings: <u>  </u> sheets, <u>  </u> figures	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Extension of Time: _____	<input type="checkbox"/> Response to Written Opinion ( <u>  </u> pgs)
<input type="checkbox"/> Fee Transmittal (In duplicate)	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> IDS & PTO/SB/08 ( <u>  </u> pgs)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input checked="" type="checkbox"/> Other Request for Refund: Copies of Cancelled Check No. 4297, the Fee Transmittal and the Petition for Extension of Time submitted on 7/11/2005	<input type="checkbox"/> Transmittal Letter
***Kindly acknowledge receipt of the attached.***	

## CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

Sandra D. Espinoza

8/12/2005

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Blakely, Sokoloff, Taylor & Zafman LLP



Nathan P. Elder, Reg. No. 55,150

Date: July 11, 2005

12400 Wilshire Boulevard, 7th Floor  
Los Angeles, CA 90025  
Telephone: (408) 947-8200

07/16/2005 HVUONG1 00000025-09502873

1020.00 OP  
12-FC-1253

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Sandra D. Espinoza

07-11-05  
Date

Adjustment date: 10/20/2005 EEKUBAY1 00000002 09502873  
07/18/2005 HVUONG1 00000025 09502873  
02-FC-1253 1020.00 OP

10/20/2005 EEKUBAY1 00000002 09502873

Refln. Ref: 10/20/2005 EEKUBAY1 00000002 09502873  
DAB:022666 Name/Number:09502873  
\$570.00 CR

01 FC:1252

Refln. Ref: 10/20/2005 EEKUBAY1 00000002 09502873  
DAB:022666 Name/Number:09502873  
\$570.00 CR  
FC: 9204